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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x  
4 UNITED STATES OF AMERICA

5 v.

18 CR 802 (CM)  
Conference

6 PEDRO VICIOSO DeLIMA, VICTOR  
7 HIDALGO, DAVID PEREZ, JACINTO  
8 GARCIA, SIXTO VANCAMPER-BRITO,  
9 CESAR GIL, JUAN GIL CABRAL,  
10 ANTHONY BELLARD, MAYRA  
11 MONSANTO, RICKY ROSA, MINERVA  
12 VENTURA, MARK VIERA, ROMEO  
13 SUNCAR, ANTHONIO YERIS ALMONTE

14 Defendants

15 -----x

16 New York, N.Y.  
17 November 27, 2018  
18 4:15 p.m.

19 Before:

20 HON. COLLEEN MCMAHON

District Judge

21 APPEARANCES

22 GEOFFREY S. BERMAN

United States Attorney for the  
Southern District of New York

23 DOMINIC A. GENTILE

24 ALINE FLODR

Assistant United States Attorney

25 ANTHONY L. RICCO

Attorney for DeLima

SAM SCHMIDT

Attorney for Defendant Hidalgo

KEN WOMBLE

Attorney for Defendant J. Garcia

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1 APPEARANCES CONTINUED:

2 KARLOFF COMMISSIONG

Attorney for Defendant Vancamper-Brito

3 JOHN ZACH

4 Attorney for Defendant C. Gil

5 MICHAEL SPORN

6 Attorney for Defendant Cabral

7 LAW OFFICE OF PETER BRILL

Attorney for Defendant Belliard

8 MARK GUTMAN

9 CESAR de CASTRO

10 Attorney for Defendant Monsanto

11 EDWARD SAPONE

12 Attorney for Defendant R. Rosa

13 SUSAN KELLMAN

14 Attorney for Defendant Ventura

15 LAW OFFICE OF ANTHONY CECUTTI

Attorney for Defendant Viera

16 KEN WOMBLE

17 JESSE SIEGEL

18 Attorney for Defendant Suncar

19 LISA SCOLARI

20 Attorney for Defendant Almonte

21 -Also Present-

DAVID MINTZ, Interpreter (Spanish)

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1 (Case called)

2 DEPUTY CLERK: Counsel, your appearances and who you  
3 represent.

4 MS. FLODR: Good afternoon, your Honor. Aline Flodr  
5 and Dominic Gentile on behalf of the United States.

6 THE COURT: Good afternoon.

7 MR. SCHMIDT: Good afternoon, your Honor.

8 Sam Schmidt on behalf of Victor Hidalgo, who is seated  
9 in the wheelchair next to me.

10 THE COURT: Mr. Schmidt.

11 MS. SCOLARI: Good afternoon, your Honor. Lisa  
12 Scolari for Antonio Almonte in the jury box.

13 THE COURT: Ms. Scolari.

14 MS. KELLMAN: Susan Kellman for Minerva Ventura seated  
15 in the last row.

16 THE COURT: Ms. Kellman.

17 MR. ZACH: John Zach for Cesar Gil, who is third over  
18 in the second row in the jury box.

19 THE COURT: Mr. Zach.

20 MR. SIEGEL: Jesse Siegel for Romeo Suncar who is --  
21 he is waving at you.

22 THE COURT: Mr. Siegel and Mr. Suncar, good afternoon  
23 to you both.

24 MR. SAPONE: Edward Sapone for Ricky Rosa, first row,  
25 first seat.

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1 MR. GUTMAN: Mark Gutman standing in for attorney of  
2 record Peter Brill for Anthony Belliard in the first row.

3 THE COURT: Mr. Gutman.

4 MR. WOMBLE: Kenneth Womble for Jacinto Garcia, the  
5 second closest to you in the first row.

6 And, additionally, I'm standing in for Anthony Cecutti  
7 for Mr. Viera, who is next to Mr. Garcia in the first row.

8 THE COURT: Mr. Womble.

9 MR. SPORN: Michael Sporn for Juan Gil Cabral in the  
10 jury box second from the end.

11 THE COURT: Mr. Sporn.

12 MR. de CASTRO: Cesar de Castro for Mayra Monsanto  
13 seated in the first row of the audience.

14 THE COURT: Mr. de Castro.

15 MR. RICCO: Good afternoon, your Honor.

16 Anthony Ricco for Pedro Vicioso DeLima, who is seated  
17 all the way to the right in the second row.

18 THE COURT: Mr. Ricco.

19 MR. COMMISSIONG: Good afternoon, your Honor. Karloff  
20 Commissiong for Mr. Sixto Vancamper-Brito in the second row  
21 closest to your Honor.

22 THE COURT: Mr. Commissiong.

23 Well, hello everyone, literally.

24 OK, I do know a little about this case because I had a  
25 bail app for one of the defendants, but since everyone is here,

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1 can we put on the record what this case is about?

2 MS. FLODR: Yes, your Honor. As alleged in the  
3 indictment, all of the defendants in this case were  
4 participating in a drug-trafficking organization that operated  
5 principally out of a building in Washington Heights, 501 West  
6 167th Street. As alleged in the indictment, this was a  
7 conspiracy that spanned from July 2016 through on or about  
8 October 2018. During the course of the conspiracy, the  
9 drug-trafficking organization we allege trafficked over  
10 85 kilograms of heroin through this drug-trafficking building  
11 and the surrounding environment, and much of that was laced  
12 with fentanyl.

13 Comes as no surprise that this DTO had a hierarchy.  
14 At the top of the hierarchy is the same person who sits at the  
15 top of the indictment; that would be Pedro Vicioso DeLima.

16 He had a second in command, and that would be Mr.  
17 Victor Hidalgo, the second person listed on the indictment.

18 Underneath those two were a series of managers.

19 Underneath the managers were the pitchers, who  
20 participated in the hand-to-hand transactions that occurred in  
21 the drug building.

22 In addition to having the actual distributors of the  
23 heroin, there were also lookouts as well as doormen that  
24 controlled complete access to the building.

25 The one outstanding person on this indictment who

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1 wasn't either a doorman or a lookout is Mr. Antonio Yeris  
2 Almonte, who served as the superintendent of the building  
3 itself, and he facilitated the DTO's complete access to the  
4 building and also helped inform the DTO members as to who was  
5 entering the building as well as giving them full access to  
6 parts of the building that other residents would not normally  
7 have access to.

8 In addition to the amount of heroin that this  
9 drug-trafficking organization was responsible for, some of that  
10 heroin ended up being associated with several fatal and  
11 non-fatal overdoses during the course of this conspiracy. At  
12 all of those overdose incidents, there were glassines found  
13 with the drug-trafficking organization stamps of choice for the  
14 period of time.

15 One of those examples is listed in the indictment.  
16 That was March 29 of 2018 where at a fatal overdose site there  
17 were glassines marked with the stamps Ras Baraka and Porsche,  
18 and there was also a slip of paper with the name and phone  
19 number of one of the defendants in this case.

20 All of the defendants were charged by an indictment  
21 with a single count of conspiracy, and that was turned up by  
22 the grand jury on October 31, 2018. Most of the defendants  
23 were arrested either on November 7 or November 8, and most of  
24 them were arraigned before Magistrate Judge Lehrburger on  
25 November 8 of 2018.

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1 Cesar Gil and Ricky Rosa were subsequently writted and  
2 arrested and arraigned on November 14, and time has been  
3 excluded off the speedy trial clock from each of those  
4 arraignments until today.

5 THE COURT: OK. So having heard that, what are we  
6 talking about in terms of discovery that the government needs  
7 to produce.

8 MS. FLODR: Your Honor, the discovery in this case is  
9 voluminous. There were nine wires. There are over 6,800  
10 pertinent calls across those wires, and at least 200 hours of  
11 pertinent calls. Most of those pertinent calls are in Spanish.

12 There were also premises search warrants that were  
13 conducted, as well as the results of those premises search  
14 warrants. GPS warrants on several of the defendants' phones  
15 there were several triggerfish that were received in this case,  
16 car tracking warrants, and the government is also planning on  
17 completing phone search warrants for several phones seized on  
18 the day of the takedown.

19 In addition to the bulk of that evidence, there is  
20 evidence of over 25 controlled buys surveillance videos of some  
21 of activities at the drug building.

22 THE COURT: How much surveillance video?

23 MS. FLODR: Your Honor, I don't have a specific number  
24 for that, but I do -- it spans --

25 THE COURT: That's the pertinent datum right now. How

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1 much surveillance video are we talking about? Are we talking  
2 about terabytes of surveillance video?

3 MS. FLODR: No, your Honor, it's not terabytes. I  
4 would say it's in the -- probably at least 50 gigabytes of  
5 surveillance video.

6 THE COURT: Most of which will be of no relevance  
7 whatsoever, but that's not very helpful to the defendants.

8 MS. KELLMAN: Keeps us busy.

9 THE COURT: It does, Ms. Kellman, I agree.

10 MS. FLODR: And then the last, I guess, large bit of  
11 evidence would be subpoena returns from phone companies,  
12 financial institutions and other business enterprises.

13 THE COURT: So what are we going to do about producing  
14 discovery?

15 MS. FLODR: Your Honor, we have been in contact with  
16 defense counsel about a protective order. It is almost fully  
17 signed at this point. We expect to hand that up to your Honor  
18 at some point with -- or submit it to your Honor for  
19 consideration within the week. And we expect to produce the  
20 bulk of the T3 related evidence by Monday, as soon as that  
21 protective order is in place.

22 MR. de CASTRO: Judge, if --

23 THE COURT: Mr. de Castro. Don't interrupt. Do me a  
24 favor. I will let you talk. I will let you address anything  
25 you want, and you have to be at a mike but not now. Let her



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1 finish.

2 MR. de CASTRO: It was on this topic.

3 THE COURT: It may be on this topic, but it's not your  
4 turn. We run this kind of like kindergarten. We take our  
5 turns.

6 MS. FLODR: And, your Honor, we believe we can produce  
7 the substantial majority of all of the discovery, Rule 16  
8 discovery in this case within four weeks.

9 THE COURT: Now, is Mr. de Castro speaking for the  
10 group? Or is Mr. de Castro speaking for his client? What's  
11 the --

12 MS. KELLMAN: For the group, your Honor.

13 THE COURT: Thank you.

14 Mr. de Castro, good afternoon.

15 MR. de CASTRO: Good afternoon. Thank you, your  
16 Honor.

17 So the government had indicated to us that they needed  
18 about a terabyte from each defense counsel in order to produce  
19 the discovery. We discussed with them, and, of course, we want  
20 to make a formal application if the Court is amenable to it for  
21 a discovery coordinator I think.

22 THE COURT: Sounds like a great idea.

23 MR. de CASTRO: I need to see if Ms. Greenwood is  
24 available or the other discovery coordinators we've worked with  
25 are available for the appointment. I will do that this week.

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1 THE COURT: Fear not, I will so order that.

2 MR. de CASTRO: In terms of if the Court wants to  
3 discuss dates.

4 THE COURT: I'll discuss anything you guys want.

5 MR. de CASTRO: So obviously we don't have the  
6 material, but the government has -- that's a lot of work.

7 THE COURT: It's a lot of stuff.

8 MR. de CASTRO: So we were thinking of a three-month  
9 date, so we could come back to you and talk to you about where  
10 we all are.

11 THE COURT: That's what I was thinking too. We have  
12 been together for 20 years now. We almost always think alike.

13 So what we're talking about is the last week in  
14 February, Mr. O'Neill?

15 DEPUTY CLERK: Tuesday, the 26th, 4:00.

16 THE COURT: Are we picking a jury that day?

17 DEPUTY CLERK: We are.

18 THE COURT: Can we not do it that day?

19 DEPUTY CLERK: The 27th, or what's the Monday? Is it  
20 a holiday?

21 THE COURT: Monday is the day I get back. We could do  
22 it on Monday. I could do it on Monday, but I can't pick a jury  
23 on Monday.

24 DEPUTY CLERK: Let's do it the 28th, Thursday, at  
25 4:00.

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1 THE COURT: Let's do it at 4:30 because I will be on  
2 trial. And I assume everybody wants me to exclude time?

3 Time is excluded in the interest of the justice and  
4 with the consent of defendants, their interest in a speedy  
5 trial being outweighed by the need for the government to  
6 produce discovery and defense counsel to figure out how to get  
7 it reviewed. I will sign the protective order. I will sign an  
8 order appointing discovery coordinator for this case. OK?

9 Who else has something interesting to say today?

10 MS. KELLMAN: Judge, just a question in terms of bail  
11 applications. Does the Court want them made directly to you or  
12 to the magistrate?

13 THE COURT: You know, you may as well make them to me  
14 because they're going to get to me anyway if you aren't happy  
15 with what the magistrate says.

16 MS. KELLMAN: Thank you, Judge.

17 THE COURT: You could talk to Mr. Sapone; he's already  
18 done one. Anybody else? Such silence. Well, we are just  
19 beginning. We are just beginning. I rather imagine I will  
20 hear a lot more from you. So I will see you all in February.  
21 Thank you very much.

22 (Adjourned)  
23  
24  
25